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Attorneys for Defendant
RUTH COLEMAN, in her official capacity as
DIRECTOR of CALIFORNIA DEPARTMENT
OF PARKS AND RECREATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WATERKEEPERS NORTHERN CALIFORNIA,
a non-profit corporation, d.b.a.
DELTAKEEPER

Plaintiff,

v.

RUTH COLEMAN, in her official capacity as
DIRECTOR of CALIFORNIA DEPARTMENT OF
PARKS AND RECREATION,
a state agency

Defendant.

Civil Case No.: CIV. S-04-2647 GEB KJM

STIPULATION TO EXTEND TIME TO
ANSWER COMPLAINT AND CONDUCT
STATUS CONFERENCE;
[PROPOSED] ORDER

Honorable Judge Garland E. Burrell, Jr.

Scheduling Conference: May 9, 2005
9:00 a.m.
Courtroom 10

1 WHEREAS, on October 12, 2004, Plaintiffs issued a sixty day notice of its intent to file suit
2 alleging violations of the federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* to Defendant;

3 WHEREAS, on December 14, 2005, the parties conducted a meeting with the objective of
4 achieving Defendant's compliance and settling the action without litigation;

5 WHEREAS, to facilitate the exchange of information and possible settlement, as well as save
6 the parties' resources, Plaintiffs did not immediately serve the complaint on Defendant;

7 WHEREAS, on December 15, 2004, Plaintiff filed its complaint in federal court.

8 WHEREAS, after the December meeting, the parties continued discussions and exchanged
9 information regarding the allegations in Plaintiff's complaint;

10 WHEREAS, Defendant was served on April 1, 2005, which would have required Defendant to
11 respond to the complaint by April 21, 2005;

12 WHEREAS, although Defendant requested representation by the Attorney General's office in
13 November 2004, on April 13, 2005, the Attorney General's office informed Defendant that it could not
14 represent Defendant due to a conflict of interest with the Regional Water Quality Control Board. The
15 Attorney General therefore authorized Defendant to seek outside counsel for this litigation.

16 WHEREAS, on April 14, 2005, counsel for Plaintiff and counsel for Defendant discussed the
17 case status and these developments. Counsel for Defendant requested additional time to answer the
18 complaint so that it could secure outside counsel. Counsel for Plaintiff stated that it has no objection to
19 stipulating to give Defendant additional time to answer the complaint. Counsel for the parties also
20 discussed the necessity of extending the time to conduct the status conference, currently scheduled for
21 May 9, 2005, and the dates related to that conference.

22 WHEREAS, the parties agreed on a mutually convenient schedule for the filing of Defendant's
23 answer, subject to the Court's approval, as well as a timeline for the parties' filing of the joint status
24 report, and scheduling conference.

25 IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for
26 the parties, subject to the Court's approval, that the following schedule shall govern the time for
27 Defendant to answer the complaint, to submit the Joint Report and for the Scheduling Conference:

1 Defendant's answer to the complaint.....May 11, 2005

2 Joint Status ReportMay 20, 2005

3 Scheduling ConferenceJune 6, 2005

4
5 Respectfully submitted,

6 Dated: April 19, 2005.

7 By: /s/ Layne Friedrich, Esquire

8 Layne Friedrich

9 Lawyers for Clean Water

10 Attorneys for Plaintiff

11 Dated: April 19, 2005.

12 By: /s/ Tim La Franchi, Esquire

13 (as authorized on April 19, 2005)

14 Tim La Franchi

15 Department of Parks and Recreation

16 Attorneys for Defendant

17 The Court adopts the following schedule proposed by the parties:

18 Defendant's answer to the complaint.....May 11, 2005

19 Joint Status ReportMay 20, 2005

20 Scheduling ConferenceJune 6, 2005

21 IT IS SO ORDERED:

22 DATED: April 20, 2005

23 /s/ Garland E. Burrell, Jr.

24 **GARLAND E. BURRELL, JR.**

25 United States District Judge